

ASSEMBLY BILL

No. 1476

Introduced by Assembly Member Nakanishi

February 22, 2005

An act to amend Section 103885 of the Health and Safety Code, relating to cancer registry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1476, as introduced, Nakanishi. Cancer registry: reporting.

Existing law requires the State Director of Health Services to establish a statewide cancer reporting system. Existing law generally requires any hospital or other facility providing therapy to cancer patients, and any physician and surgeon, dentist, podiatrist, or other health care practitioner diagnosing or providing treatment for cancer patients to report each cancer case to the State Department of Health Services in a format prescribed by the department.

This bill would require that prescribed format to include, when the cancer patient is a juvenile, information on the juvenile's current address and all residences during the previous 10 years.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 103885 of the Health and Safety Code is
- 2 amended to read:
- 3 103885. (a) The director shall establish a statewide system
- 4 for the collection of information determining the incidence of
- 5 cancer, using population-based cancer registries modeled after
- 6 the Cancer Surveillance Program of Orange County. As of the

1 effective date of this section the director shall begin phasing in
2 the statewide cancer reporting system. By July 1, 1988, all
3 county or regional registries shall be implemented or initiated.
4 By July 1, 1990, the statewide cancer reporting system shall be
5 fully operational. Within 60 days of the effective date of this
6 section, the director shall submit an implementation and funding
7 schedule to the Legislature.

8 (b) The department may designate any demographic parts of
9 the state as regional cancer incidence reporting areas and may
10 establish regional cancer registries, with the responsibility and
11 authority to carry out the intent of this section in designated
12 areas. Designated regional registries shall provide, on a timely
13 basis, cancer incidence data as designated by the ~~state~~ department
14 to the department. The department may contract with an agency,
15 including, but not limited to, a health systems agency, single
16 county health department, multicounty health department
17 grouping, or nonprofit professional association, representing a
18 designated cancer reporting region for the purposes of collecting
19 and collating cancer incidence data.

20 (c) The director shall designate cancer as a disease required to
21 be reported in the state or any demographic parts of the state in
22 which cancer information is collected under this section. All
23 cancers diagnosed or treated in the reporting area shall thereafter
24 be reported to the representative of the department authorized to
25 compile the cancer data, or any individual, agency, or
26 organization designated to cooperate with that representative.

27 (d) (1) Any hospital or other facility providing therapy to
28 cancer patients within an area designated as a cancer reporting
29 area shall report each case of cancer to the department or the
30 authorized representative of the department in a format
31 prescribed by the department. *If the cancer patient is a juvenile,*
32 *the format prescribed by the department shall require*
33 *information on the juvenile's current address and all residences*
34 *during the previous 10 years.* If the hospital or other facility fails
35 to report in a format prescribed by the department, the
36 department's authorized representative may access the
37 information from the hospital or the facility and report it in the
38 appropriate format. In these cases, the hospital or other health
39 facility shall reimburse the state department or the authorized
40 representative for its cost to access and report the information.

1 (2) Any physician and surgeon, dentist, podiatrist, or other
2 health care practitioner diagnosing or providing treatment for
3 cancer patients shall report each cancer case to the department or
4 the authorized representative of the department except for those
5 cases directly referred to a treatment facility or those previously
6 admitted to a treatment facility for diagnosis or treatment of that
7 instance of cancer.

8 (e) Any hospital or other facility that is required to reimburse
9 the department or its authorized representative for the cost to
10 access and report the information pursuant to subdivision (d)
11 shall provide payment to the department or its authorized
12 representative within 60 days of the date this payment is
13 demanded. In the event any hospital or other facility fails to
14 make the payment to the department or its authorized
15 representative within 60 days of the date the payment is
16 demanded, the department or its authorized representative may,
17 at its discretion, assess a late fee not to exceed 1 ½ percent per
18 month of the outstanding balance. Further, in the event that the
19 department or its authorized representative takes a legal action to
20 recover its costs and any associated fees, and the department or
21 its authorized representative receives a judgment in its favor, the
22 hospital or other facility shall also reimburse the department or
23 its authorized representative for any additional costs it incurred to
24 pursue the legal action. Late fees and payments made to the
25 department by hospitals or other facilities pursuant to this
26 subdivision shall be considered as reimbursements of the
27 additional costs incurred by the department.

28 (f) All physicians and surgeons, hospitals, outpatient clinics,
29 nursing homes and all other facilities, individuals or agencies
30 providing diagnostic or treatment services to patients with cancer
31 shall grant to the department or the authorized representative
32 access to all records that would identify cases of cancer or would
33 establish characteristics of the cancer, treatment of the cancer, or
34 medical status of any identified cancer patient. Willful failure to
35 grant access to those records shall be punishable by a fine of up
36 to five hundred dollars (\$500) each day access is refused. Any
37 fines collected pursuant to this subdivision shall be deposited in
38 the General Fund.

39 (g) (1) Except as otherwise provided in this section, all
40 information collected pursuant to this section shall be

1 confidential. For purposes of this section, this information shall
2 be referred to as “confidential information.”

3 (2) The department and any regional cancer registry
4 designated by the department shall use the information to
5 determine the sources of malignant neoplasms and evaluate
6 measures designed to eliminate, alleviate, or ameliorate their
7 effect.

8 (3) Persons with a valid scientific interest who are engaged in
9 demographic, epidemiological, or other similar studies related to
10 health who meet qualifications as determined by the department,
11 and who agree, in writing, to maintain confidentiality, may be
12 authorized access to confidential information.

13 (4) The department and any regional cancer registry
14 designated by the department may enter into agreements to
15 furnish confidential information to other states’ cancer registries,
16 federal cancer control agencies, local health officers, or health
17 researchers for the purposes of determining the sources of cancer
18 and evaluating measures designed to eliminate, alleviate, or
19 ameliorate their effect. Before confidential information is
20 disclosed to those agencies, officers, researchers, or out-of-state
21 registries, the requesting entity shall agree in writing to maintain
22 the confidentiality of the information, and in the case of
23 researchers, shall also do both of the following:

24 (A) Obtain approval of their committee for the protection of
25 human subjects established in accordance with Part 46
26 (commencing with Section 46.101) of Title 45 of the Code of
27 Federal Regulations.

28 (B) Provide documentation to the department that
29 demonstrates to the department’s satisfaction that the entity has
30 established the procedures and ability to maintain the
31 confidentiality of the information.

32 (5) Notwithstanding any other provision of law, any disclosure
33 authorized by this section shall include only the information
34 necessary for the stated purpose of the requested disclosure, used
35 for the approved purpose, and not be further disclosed.

36 (6) The furnishing of confidential information to the
37 department or its authorized representative in accordance with
38 this section shall not expose any person, agency, or entity
39 furnishing information to liability, and shall not be considered a

1 waiver of any privilege or a violation of a confidential
2 relationship.

3 (7) The department shall maintain an accurate record of all
4 persons who are given access to confidential information. The
5 record shall include: the name of the person authorizing access;
6 name, title, address, and organizational affiliation of persons
7 given access; dates of access; and the specific purpose for which
8 information is to be used. The record of access shall be open to
9 public inspection during normal operating hours of the
10 department.

11 (8) Notwithstanding any other provision of law, no part of the
12 confidential information shall be available for subpoena, nor
13 shall it be disclosed, discoverable, or compelled to be produced
14 in any civil, criminal, administrative, or other proceeding, nor
15 shall this information be deemed admissible as evidence in any
16 civil, criminal, administrative, or other tribunal or court for any
17 reason.

18 (9) Nothing in this subdivision shall prohibit the publication
19 by the department of reports and statistical compilations that do
20 not in any way identify individual cases or individual sources of
21 information.

22 (10) Notwithstanding the restrictions in this subdivision, the
23 individual to whom the information pertains shall have access to
24 his or her own information in accordance with Chapter 1
25 (commencing with Section 1798) of Title 1.8 of the Civil Code.

26 (h) For the purpose of this section, “cancer” means either of
27 the following:

28 (1) All malignant neoplasms, regardless of the tissue of origin,
29 including malignant lymphoma, Hodgkins disease, and leukemia,
30 but excluding basal cell and squamous cell carcinoma of the skin.

31 (2) All primary intracranial and central nervous system (CNS)
32 tumors occurring in the following sites, irrespective of histologic
33 type: brain, meninges, spinal cord, caudae equina, cranial nerves
34 and other parts of the CNS, pituitary gland, pineal gland, and
35 craniopharyngeal duct.

36 (i) Nothing in this section shall preempt the authority of
37 facilities or individuals providing diagnostic or treatment services
38 to patients with cancer to maintain their own facility-based
39 cancer registries.

- 1 (j) It is the intent of the Legislature that the department, in
- 2 establishing a system pursuant to this section, maximize the use
- 3 of available federal funds.

O